

lawful for the magistrate before whom such affidavit shall be made, and within whose jurisdiction such vessel may be, to issue his warrant for the immediate apprehension of such master or skipper, and for bringing him before such magistrate, or before any other magistrate of the same county; and the justice before whom such person shall be brought, upon hearing such evidence as may be adduced before him, if there be no good cause to believe that a violation of the provisions of this act is intended, shall discharge from further custody such master or skipper; but if it shall appear to such magistrate that there is good cause to believe that a violation of the provisions of this act is intended by such master or skipper, then it shall be the duty of such magistrate to commit such master or skipper to the jail of his county, unless he shall enter into a recognizance, with sufficient security, in a sum not exceeding two hundred dollars, upon condition to appear at the next Court to be held for such county, and to abide and perform such order or orders as shall be made by such Court.

A. D. 1842.

violating this act.

-IV. If any person shall use any drag, scoop or rake, or other instrument, except tongs, such as have been generally used for the purpose of catching oysters within the waters of this State, every person so offending, and being thereof convicted before a magistrate of either of the counties adjoining the water course in which the offence has been committed, shall forthwith pay, if a free man, the sum of twenty dollars, and if a slave, he, she or they shall receive on his or her bare back, so many stripes as such magistrate shall direct, not exceeding twenty, or be committed by such magistrate to the public jail of the county, there to remain without bail, for thirty days, unless such fine of twenty dollars be sooner discharged; one half of which fine shall go to the county, and the other half to the use of the informer: *Provided*, That nothing in this act shall be so construed, as to prevent the carrying of oysters into the North, and North-west Rivers, having their source in the state of Virginia, as now practised, nor the exportation of pickled oysters in vessels to the West Indies: *Provided*, That no one vessel shall carry more than sixty gallons at one time.

No instrument, except Tongs, allowed to be used.

Penalty.

Provisos.

## CHAPTER VII.

An act to exempt regular ministers of the Gospel of every denomination from serving as Jurors.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all regular ministers of the Gospel, of every denomination, be, and they are hereby exempted from serving as Jurors in the Courts of this State; any law, usage or custom, to the contrary notwithstanding.

## CHAPTER VIII.

An act concerning Jails.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Courts of Pleas and Quarter Sessions,